

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ADMINTERMARE, A DIVISION OF
ADM INTERNATIONAL, SARL**

Plaintiff,

V.

**KAMCA TRADING SA; and
GLENCORE LTD.,**

Defendants

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**C.A. No. 4:19-cv-02238
ADMIRALTY, Rule 9(h)**

**AGREED JOINT MOTION FOR EXTENSION OF SUBMISSION DATE AND FOR
POSTPONEMENT OF SCHEDULING CONFERENCE**

Plaintiff, ADMIntermare, a Division of ADM International, SARL, and Glencore Ltd., a defendant, file this Agreed Joint Motion for Extension of Submission Date and for Postponement of Scheduling Conference, and respectfully show the following.

The submission date for Glencore's Motion to Dismiss (Doc. 14) is October 16, 2019. Counsel for ADMIntermare and counsel for Glencore agreed to extend the due date for ADMIntermare's response up to October 30, 2019, and to extend the time for Glencore to file a reply up to November 13, 2019.

In addition, the Initial Pretrial and Scheduling Conference is set for November 1, 2019 (Doc. 6). Counsel for ADM Intermare and Glencore have agreed to request that this conference, and the deadline for filing the Rule 26(f) report and joint discovery/case management plan, be postponed to a date after the parties have fully briefed Glencore's Motion to Dismiss.

The other defendant in this case, Kamca Trading SA, has not filed an appearance yet. Plaintiff continues diligent efforts to serve process on Kamca via the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. On September 26, 2019, plaintiff's counsel sent

the Summons and First Amended Complaint to the Tribunal Cantonal in Fribourg, Switzerland, for service on Kamca. Previously, plaintiff's counsel filed a return of service of the Original Complaint on Kamca (Doc. 11), but the First Amended Complaint still must be served on Kamca via the Hague Convention process.

While discussing the proposed briefing schedule, counsel for ADMIntermare asked Glencore to agree that a sur-reply by ADMIntermare, if any, be due by November 27, 2019. Glencore does not agree to any sur-reply.

Therefore, the parties jointly pray that the Court grant this motion, enter an order extending the submission date on Glencore's Motion to Dismiss such that ADMIntermare's response is due by October 30, 2019, that Glencore's reply is due by November 13, 2019, and postponing the initial scheduling conference and deadline for the Rule 26(f) report to a date after the motion to dismiss is fully briefed, and grant such other relief as justice may require. ADMIntermare requests an opportunity to file a sur-reply if it decides one is necessary.

Respectfully submitted,

HOLMAN FENWICK WILLAN USA LLP

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**ATTORNEY-IN-CHARGE
FOR DEFENDANT
GLENCORE, LTD.**

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served via the Court's CM/ECF system on this 11th day of October 2019.

/s/ Christopher R. Hart

Christopher R. Hart